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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 10/814,611 | 03/31/2004 | Christopher Alan Rorie | CZR-1 | 5438 |

7590 07/25/2005
Dority & Manning, P.A.
P.O. Box 1449
Greenville, SC 29601

EXAMINER

GORDON, STEPHEN T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3612

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/814,611 | RORIE ET AL. | |
| | Examiner | Art Unit | |
| | Stephen Gordon | 3612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 11,20,21,24-34 and 36-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,12-19,22,23 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7-2-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 11, 20-21, 24-34, and 36-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made **without** traverse in the reply filed on 6-20-05.
2. It is requested that applicant cancel at least non-elected claims 24-34 and 36-46 in response to this action to facilitate the issue process if the application is ultimately allowed.
3. The disclosure is objected to because of the following informalities: on page 9 – line 9, “9” should be –39--. On page 14 – line 12, “19” should be –219--. On page 15 – line 13, “104” should be –109--.

Appropriate correction is required.
4. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 – second to last line, “said ring apertures” lacks clear antecedent basis and should apparently be singular as best understood.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-3, 17, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Denman Jr.

Note mounting shaft 20+, receiver 28+, and securing device 37 (figure 2).

Claims 2 and 17, element 37 defines a ring as broadly claimed.

Claim 3 and 22, the receiver is adjustable – see figures 1, 8, etc.

7. Claims 1-2, 4-10, 12-19, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook Jr.

Note vehicle bed 12, mounting shaft 18, receiver 32, and securing device 22.

Claims 2 and 17, element 28 defines a ring as broadly claimed.

Claim 4, the receiver 32 is configured as defined – note section 4, lines 14-16 etc.

Claims 5, 8, 10, 12, 14-16, 19, and 23, the device is deemed configured as broadly claimed.

Claim 6, note apertures 36 a,b and fastening device 38.

Claim 7, device 38 defines a hitch pin as broadly claimed.

Claims 9 and 18, see section 3, lines 17-21.

Claim 13, note plate 26.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claim 35, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook Jr in view of Denman Jr.

Cook Jr teaches a towing vehicle cargo bed ATV securing apparatus including a mounting shaft 18, an integral base 16 deemed attachable as broadly claimed, a U-shaped receiver 32 which is operably attachable by bolts as broadly claimed, parallel arms 34 a,b with locking apertures 36a,b, a securing ring 28+ with a ring aperture, and a fastening device 38.

Cook Jr fails to specifically teach that the receiver is adjustable along the shaft as recited.

Denman Jr (figure 8 embodiment) teaches a cargo bed ATV securing apparatus including a mounting shaft 20,21+, a securing device 37+ attached to the ATV, and a receiver 28+ for attaching to the securing device with a fastening pin 40. the receiver 28 is adjustably mounted to the shaft via a sleeve member 44 and adjustment screw 45 to allow vertical adjustment – see figure 8 embodiment.

In order to provide for more system flexibility, it would have been obvious to one of ordinary skill in the art to utilize an adjustable sliding tube/adjustment screw construction

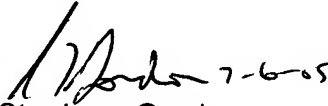
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for the attachment of the receiver to the mounting shaft of Cook Jr in view of the teachings of Denman Jr.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Huston teaches a trailer securement for an ATV.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (571) 272-6661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Gordon
Primary Examiner
Art Unit 3612

stg